

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MARCH 4, 2021
7:00 P.M.**

CALL TO ORDER

Be it remembered that, on the above date, the city council of the city of Alvin, Texas, met in regular at 7:00 p.m. In the council chambers at city hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-tem Joel Castro; Councilmember's: Gabe Adame, Adam Arendell, Glenn Starkey, Keith Thompson, and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Larry Buehler, Economic Development Director; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Ron Schmitz, EMS Director/EM Coordinator; Michelle Segovia, City Engineer; Robert E. Lee, Police Chief; and Brandon Moody, Public Services Director.

INVOCATION AND PLEDGE OF ALLEGIANCE

David with Heights Baptist Church gave the invocation.

Council member Arendell led the Pledge of Allegiance to the American Flag and Council member Thompson led the Pledge to the Texas Flag.

PRESENTATIONS

Mayor Horn and members of City Council recognized community members who went above and beyond during the 2021 Winter Storm. Those in attendance to receive recognition were Heights Baptist Church, Legacy Church, One Church, Missionary Baptist Church, Patco, Steinhauser's, and TDEC Inc.

Michelle Segovia, City Engineer, gave an Engineering Departmental Update.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the February 4, 2021 City Council Regular meeting minutes.

Acknowledge receipt of the 2020 Annual Racial Profiling Report which is submitted each year to the City Council as required by Article 2.134 of the Texas Code of Criminal Procedure.

Article 2.134 of the Texas Code of Criminal Procedure requires that not later than March 1st of each year, law enforcement agencies must submit a report containing the previous year's incident-based data to the Texas Commission on Law Enforcement (TCOLE) and to the governing body of that agency's city or county.

In 2017, the State Legislature passed the Sandra Bland Act (SB1849) which, among other things, repealed Code of Criminal Procedure (CCP) section 2.135, which gave a partial exemption for racial profiling data collection to agencies that had installed video cameras in all vehicles routinely used to make traffic stops. With the repeal of this section, a significant increase in the amount of data collected from traffic stops has occurred and is reflected in the 2020 racial profiling report. The 2020 report includes data on: gender, race or ethnicity, if race was known prior to the stop, reason for the stop, street address or approximate location of the stop, if a search was conducted, if a search was conducted the reason for the search, if contraband was discovered, description of contraband, result of the stop (verbal warning, written warning, citation, arrest and if use of force resulting in bodily injury occurred), and if an arrest occurred whether it was a penal law, traffic law, city ordinance or warrant. In August 2020, TCOLE advised agencies that there had been a misunderstanding in the intent of SB1849, and

additional collection points were added. These data points include further breakdown by race and ethnicity of outcomes of traffic stops. We were able to back track to January 1, 2020 and gather this additional data and it is reflected in this report. A comparison of demographic data collected with the latest demographic data estimate of the City of Alvin ([census.gov](https://www.census.gov) 2019), with the 77511-zip code public school demographic data (no date provided for this data) and the Alvin ISD Demographic Data (schools.texastribune.org/districts/alvin-isd/ 2018/2019) was made. The actual demographic makeup of the City is considered to be outside of these data sets as the zip code demographics and AISD boundaries extend well beyond the city limits and none of the comparison data sets consider or measure work, shopping or travel demographics within the City. The 2020 racial profiling report is believed to be representative of our population in general and does not indicate racial profiling bias. No complaints of racial profiling were filed with the Alvin Police Department in 2020.

Consider a contract for Election Services with Joyce Hudman, County Clerk, Brazoria County, Texas, for the May 1, 2021 General and Special Election; and authorize the Mayor to sign the contract subject to legal review.

This is a contract for election services with Brazoria County to conduct the May 1, 2021 General Election for the City Council District B, City Council District C, and At Large Position 1. This contract is similar to the contract authorized by City Council every year to conduct the City's election. The cost for this General Election could range anywhere from \$5,000 to \$10,000. The cost depends on the number of registered voters and how many other jurisdictions will be holding a May election. Brazoria County now has a pricing sheet (attached) for each item needed for the election. The City Secretary's Office will handle all the required notices, filings, and general paperwork as required by state election law.

Historical Election Cost (General May Election):

*May 2016: \$6,150
May 2017: \$9,200
May 2018: \$4,660
May 2019: \$11,000*

Early voting and Election Day voting will be held at the Alvin Library. Registered voters may vote at any Early Voting location within Brazoria County during Early Voting and may vote at any Brazoria County Voting Center on Election Day. Staff recommended approval of said contract.

Consider authorizing the City Manager to send a letter to the Brazoria County Mosquito Control District for the continuation of aerial spraying services for the 2021 season.

This is an annual request for authorization from the Brazoria County Mosquito Control District for the continuance of aerial spraying over the City of Alvin. The spraying is performed during massive outbreaks of mosquitoes (typically in summer and fall months) by the contracted aerial sprayer. The County will put out notifications through their respective social media accounts and other means available. The flying schedule depends heavily upon the landing rate counts, weather and wind conditions. As a result of the variables listed, the County is unable to give notice of the specific flying time in advance.

Aerial spraying has proven to be an effective measure for mosquito control in Brazoria County. More information can be obtained by calling the Brazoria County Mosquito Control Office at 979-864-1532 or by visiting: <http://brazoriacountytx.gov/departments/mosquito-control/spray-request>. Residents can also submit spray requests by calling their office, or by visiting the website listed above. Staff recommended authorization.

Consider a final plat of Caldwell Ranch Section 5 (located along the east side of FM 521 and north of Juliff-Manvel Road), being a subdivision of 46.312 acres of land situated in the William Hall League, Abstract 31, Fort Bend County, Texas; also being a partial replat of lots 2, 3, 7 & 8 of the T.W. & J.W.B. House Subdivision, as recorded in Volume 7, Page 301 of the Fort Bend County Deed Records.
On February 1, 2021, the Engineering Department received the Final Plat of Caldwell Ranch Section 5 for review. This subdivision is in the portion of the City of Alvin's Extraterritorial Jurisdiction (ETJ) within Fort Bend County that was retained based on the Development Agreement with Brazoria-Fort Bend Counties Municipal Utility District (MUD) 3 approved on January 7, 2021. This final plat consists of 180 lots, 7 reserves, and 6 blocks. This plat complies with all requirements of the City of Alvin's Planned Unit Development section of the Subdivision Ordinance.

This section is contained in the Master Preliminary Plat of Caldwell Ranch, that was approved by Council May 7, 2020. The City Planning Commission unanimously approved the plat at their meeting on February 23, 2021. Staff recommended approval.

Council member Arendell moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion carried on a vote of 6 Ayes.

OTHER BUSINESS

Consider the purchase/construction of a 2021 Pumper/Tanker Fire Truck from Metro Fire Apparatus Specialists, Inc., through the HGAC Cooperative Purchasing Program in an amount not to exceed \$608,735.

In October 2020, the Fire Department was awarded a \$220,000 grant from the Texas A&M Forest Service. Staff would like to take advantage of this grant to purchase a Pumper/Tanker firefighting vehicle. The Fire Department solicited vendors through HGAC Buy Cooperative to submit specifications, and to demonstrate and provide service information on their Pumper/Tanker Fire Trucks to a committee of Alvin Volunteer Fire Department Firefighters. The committee recommended the Metro Brand Pumper/Tanker on February 1, 2021. The Fire Department received a bid from Metro Fire Apparatus Specialists, Inc., a Sole Vendor, for a proposal to build a Pumper/Tanker. This 2021 Fire Truck will replace an existing 26-year-old Fire Truck that will be sold. Once the bid is awarded, delivery will take approximately twelve (12) months.

Funding for this vehicle will come from the following:

<i>Texas Forestry Grant</i>	<i>- \$220,000</i>
<i>Fire Capital Fund</i>	<i>- \$256,000</i>
<i>General Fund</i>	<i>- <u>\$132,735 (\$33,183.75 ESD #3 transfers to Fire Department for next 4 years)</u></i>
<i>Total:</i>	<i>\$608,735</i>

Rex Klesel, Fire Chief presented this item before City Council with explanation.

Council member Castro moved to approve the purchase/construction of a 2021 Pumper/Tanker Fire Truck from Metro Fire Apparatus Specialists, Inc., through the HGAC Cooperative Purchasing Program in an amount not to exceed \$608,735. Seconded by Council member Vela motion carried on a vote of 6 Ayes.

Consider the purchase of an ambulance, replacing ambulance Unit#829, out of the City's Vehicle Replacement Program, from Frazer, Ltd. (Mac Haik Dodge Chrysler Jeep) through the Houston-Galveston Area Council Cooperative Purchasing Program, in an amount not to exceed \$148,172.68.

In October of 2020, Ambulance Unit 829 was involved in a motor vehicle accident that caused damage to the chassis and box. The chassis was a total loss. Unit 829 was scheduled for replacement in 2022 and had accrued \$148,950 in the vehicle replacement fund (as of 9/30/2020). The City also received \$24,386 from TML insurance for the damage to the ambulance. The plan is to repair the box, purchase a new chassis and replace the stretcher and stretcher mount (to comply with new safety recommendations) for a total cost of \$148,172.68. To purchase an entire new box, chassis and stretcher would cost \$202,241.68 (\$54,069.24 more than the option).

	Repair Box / New Chassis	New Box / New Chassis
Box	\$85,489.00	\$138,414.00
Chassis - Ram 4500 Gas	\$38,250.00	\$38,250.00
Misc.		\$744.24
HGAC Fee	\$600.00	\$1,000.00
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<i>(Mac Haik Dodge Chrysler Jeep)</i>	\$124,339.00	\$178,408.24
PowerLoad Stretcher (Stryker Medical)	\$23,833.68	\$23,833.68
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Grand Total	\$148,172.68	\$202,241.92

Funding will come from the Vehicle Replacement Fund.

Ron Schmitz, EMS Director presented this item before City Council with explanation.

Council member Thompson moved to approve the purchase of an ambulance, replacing ambulance Unit#829, out of the City's Vehicle Replacement Program, from Frazer, Ltd. through the Houston-Galveston Area Council Cooperative Purchasing Program, in an amount not to exceed \$148,172.68. Seconded by Council member Starkey, motion carried on a vote of 6 Ayes.

Consider a Master Preliminary Plat of Palacio Gate (Highway 35 across from Kendall Lakes), being a subdivision containing 92.154 acres out of the I. & G.N.R.R. Co. Survey, A-693, Brazoria County, Texas and with consideration of a variance to the City's Code of Ordinances Section 21-33 (m) regarding street length and Section 21-3 (a) regarding front building setback.

On December 1, 2020, the Engineering Department received the master preliminary plat of Palacio Gate for review. The property is located near the intersection of Highway 35 and Kendall Lakes Boulevard across from the Kendall Lakes Subdivision. This master preliminary plat consists of 119 lots, 17 reserves, and 6 blocks. Palacio Gate is proposed as a mixed-use development as outlined in the attached letter from Gromax Development and as depicted in the Palacio Gate Concept Plan.

Palacio Gate GP, Inc. has requested two variances to the City Code of Ordinances. The variances being requested are as follows:

- 1. A variance to Section 21-33(m) which states that dead-end streets shall not be longer than twelve hundred (1,200) feet. Palacio Gate GP, Inc. has requested to be permitted to extend Kendall Drive (the proposed gated private street at the north side of the property) an additional 510 feet beyond the maximum 1,200 feet for reasons outlined in the attached letter.*
- 2. A variance to Section 21-37(a) which states the minimum front residential building setback shall be at least twenty-five (25) feet. Palacio Gate GP, Inc. has requested to be permitted to construct lots with a 10-foot front building setback line for all residential lots located along Kendall Drive, Mansour Road, and Fox Meadow Drive for reasons outlined in the attached letter.*

The City Planning Commission unanimously approved the plat with the two variance requests at their meeting on February 23, 2021. Staff recommended approval of the plat and the two variances.

Michelle Segovia, City Engineer presented this item before City Council with explanation.

Council member Arendell moved to approve Master Preliminary Plat of Palacio Gate (Highway 35 across from Kendall Lakes), being a subdivision containing 92.154 acres out of the I. & G.N.R.R. Co. Survey, A-693, Brazoria County, Texas and with consideration of a variance to the City's Code of Ordinances Section 21-33 (m) regarding street length and Section 21-3 (a) regarding front building setback. Seconded by Council member Vela, motion carried on a vote of 6 Ayes.

Consider Ordinance 21-G, amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas for the purpose of providing definitions, including provisions for sprinkler systems, and amending fencing and location restrictions for fully enclosed storage facilities; providing for a penalty; and setting forth other provisions related thereto.

Towards the end of 2020, Staff was contacted by a developer who was interested in building a RV & Boat Storage facility on a piece of commercial property in Alvin. The desired location of the requested site of the RV & Boat Storage facility is within 500 feet of a single-family dwelling (a house or any other site built building used for single-family residential purposes). This location does not comply with Section 34-3 Public Storage Facilities/Mini-Warehouses which states that, "A public storage facility shall not be located within 500 feet of a single-family dwelling. The measurement of the distance between the public storage facility and the single-family dwelling shall be in direct line from the nearest property line of the public storage facility to the nearest property line of the single-family dwelling."

On November 2, 2020, during a regular Council meeting, Council discussed and considered amendments to Chapter 34 Public Storage Facilities/Mini Warehouses and provided direction to staff. Staff has amended Chapter 34 in accordance with those discussions. The main modifications to the Ordinance include the following:

- Providing definitions for Existing Storage Facility, Fully Enclosed Storage Facility, and Open Storage Facility;*

- Including provisions for installation of sprinkler systems per the National Fire Protection Association (NFPA);
 - Amending fencing requirements for fully enclosed storage facilities to include wrought iron or black-clad cyclone
 - Amending the location restrictions from 500 to 300 feet from a single-family dwelling on a major arterial roadway
- Staff recommended approval of Ordinance 21-G.

Lengthy discuss was had on the proposed amendments to the ordinance. Discussion was had on the requirement in the ordinance presented that states that enclosed storage facilities greater than 6,000 square feet be required to install a sprinkler system.

A developer present spoke about the hardship that such requirement would cause to his proposed indoor RV storage, and stated that the 6,000 square footage proposed seemed a bit excessive, as the current ordinances is currently at 12,000 square feet before a sprinkler system is required. Discussion continued.

Council member Vela spoke in favor of the decreased square footage from 12,000 to 6,000 citing fire safety reasons.

Council member Starkey moved to table Ordinance 21-G, amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas for the purpose of providing definitions, including provisions for sprinkler systems, and amending fencing and location restrictions for fully enclosed storage facilities; providing for a penalty; and setting forth other provisions related thereto. Seconded by Council member Thompson; motion to table this item until the March 18, 2021 meeting carried on a vote of 5 Ayes, with Council member Vela voting No.

Discuss and consider Ordinance 21-H, amending the City of Alvin, Texas Ordinance 20-X, passed and approved on September 3, 2020, an ordinance approving and adopting the City of Alvin's budget for Fiscal Year 2020-2021, by approving a budget amendment to the original 2020-2021 budget; providing for a transfer of funds for the purpose of amending the budgets and the organizational charts of the Engineering Department and Economic Development Department by funding a City Planner and unfunding the Economic Development Director position upon retirement as set forth in "Exhibit A;" providing for severability; and providing for other matters related thereto.

After serving the City of Alvin for 15 years, Mr. Larry Buehler, Economic Development Director, has submitted his notice to retire, effective March 25, 2021. As a result of the heightened interest in the City's regional development (FM 1462, SH 288, Grand Parkway) and local development (northern Alvin), I am requesting that City Council amend the organizational chart to allow the hiring of a City Planner to replace the Economic Development Director position.

The City Planner would possess knowledge of principles, concepts and theories of urban planning, major data sources and grant application procedures. In addition, this position would require a bachelor's degree in urban planning, civil engineering, architecture, landscape architecture or business supplemented by a minimum of five years of progressively responsible municipal, urban planning and implementation of policies and procedures or an equivalent combination of education, training, and experience that provides the required knowledge, skills, and abilities.

Essential Functions of the City Planner will include, but not be limited to:

- 1) *Overseeing land development projects from the planning stages until a formal turnover to the City Engineer.*
- 2) *Overseeing the City's long-range planning activities, which include leading the development and advocacy for the City's comprehensive and/or master plans.*
- 3) *Assisting in the preparation of development agreements and ensuring the City and developers are meeting their respective obligations as established in development agreements.*
- 4) *Conferring with local authorities, civic leaders, social scientists, and land planning and development specialists to devise and recommend arrangements of land and physical facilities for residential, commercial, industrial, and community uses.*
- 5) *Reviewing and updating development codes, reading comprehensive plans for related policies, evaluating City codes for applicability, writing new codes, processing amendments, and preparing ordinances.*
- 6) *Maintaining long-range information and data such as population estimates, and land uses of the City's developed and undeveloped areas.*

7) *Functioning as a liaison to developers, builders, engineers; and local, state, and federal agencies.*

The City Planner position would report to the City Engineer and would be classified in paygrade 16. The funding and unfunding of the City Planner and Economic Development Director positions respectively, will not result in an increase in the City's budget. After conferring the proposed reorganization with Economic Developer Director, Larry Buehler, and City Engineer, Michelle Segovia, staff recommends adoption of Ordinance 21-H.

Junru Roland, City Manager presented this item before City Council with explanation.

Council member Starkey moved to approve Ordinance 21-H, amending the City of Alvin, Texas Ordinance 20-X, passed and approved on September 3, 2020, an ordinance approving and adopting the City of Alvin's budget for Fiscal Year 2020-2021, by approving a budget amendment to the original 2020-2021 budget; providing for a transfer of funds for the purpose of amending the budgets and the organizational charts of the Engineering Department and Economic Development Department by funding a City Planner and unfunding the Economic Development Director position upon retirement as set forth in "Exhibit A;" providing for severability; and providing for other matters related thereto. Seconded by Council member Thompson, motion carried on a vote of 6 Ayes.

Winter Storm Update from City Staff.

Ron Schmitz gave a brief update of the City's response to the recent severe winter storm.

REPORTS FROM CITY MANAGER

Items of Community Interest and review preliminary list of items for next Council meeting.

Mr. Junru Roland announced items of community interest and reviewed items from the preliminary list for the March 18th City Council Meeting.

ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

Council member Thompson thanked the churches, businesses, and City staff for all of their efforts during the winter storm.

Council member Vela expressed his deep appreciation for all of the work City staff does.

Council member Arendell thanked City staff for doing a great job and stated that he appreciates everything they do.

Council member Castro thanked the community and City staff for coming together and helping those in need during the winter storm.

Council member Adame thanked all the City staff for all their hard work.

Council member Starkey stated that the churches that helped out during this event, also provided food and shelter and other resources to those in need. He also thanked all of the City staff for taking care of the City during this unprecedented event. He stated that he is very grateful for City staff.

Mayor Horn spoke of a program to help encourage business to install generators, especially service stations, hardware stores and restaurants/food services.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:47 p.m.

PASSED and APPROVED the 18th day of March 2021.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary